

IN THE CIRCUIT COURT OF CLINTON COUNTY, MISSOURI

FILED
OCT 29 2009

WILLIAM KEMPER
JANET LASHER,

Plaintiffs,

v.

PRIME TANNING CORP., et al.,

Defendants.

MOLLY LIVINGSTON
Clerk of Clinton Co. Circuit Court

Case No. 09CN-CV00333

**PLAINTIFFS' UNOPPOSED MOTION FOR LEAVE TO FILE
FIRST AMENDED PETITION FOR DAMAGES
WITH SUGGESTIONS INCORPORATED**

Motion

Plaintiffs William Kemper and Janet Lasher hereby move, pursuant to Mo. Ct. Rule 55.33, for leave to file their First Amended Petition for Damages, attached hereto, for the following reasons:

Suggestions in Support

Plaintiffs filed their Petition for Damages on April 22, 2009. Early discovery has revealed that additional party defendants should be added to the case, namely, Wismo Chemical Corp., Elementis LTP, L.P., and Burns & McDonnell Engineering Company, Inc. The attached proposed First Amended Petition for Damages adds those parties as defendants and revises the petition to conform to evidence discovered thus far.


Those defendants presently involved in this case, including Prime Tanning Corp., Prime Tanning Co., Inc., National Beef Leathers Co., LLC and Rick Ream, have no objection to the filing of the proposed First Amended Petition. Under Missouri Rules, leave to amend "shall be

freely given when justice so requires." Mo. Ct. Rule 55.33. There will be no delay or prejudice to the current defendants caused by the filing of the proposed First Amended Petition.

WHEREFORE, plaintiffs William Kemper and Janet Lasher respectfully request that they be given leave to file the proposed First Amended Petition attached hereto.


Respectfully submitted,

WAGSTAFF & CARTMELL LLP



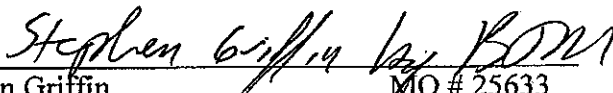
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CERTIFICATE OF SERVICE

I certify that on this 28 day of October, 2009, copies of the foregoing were transmitted via first class U.S. mail, with proper postage affixed, to:

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